

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

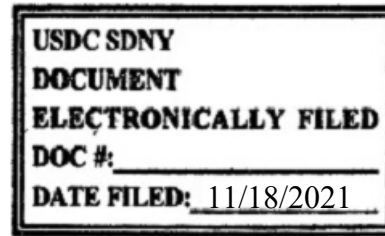
TZUMI INNOVATIONS, LLC,

Plaintiff,

-against-

ANDREW R. WHEELER, et al.,

Defendants.



21-CV-122 (LGS) (BCM)

**ORDER RE CONTINUED  
SETTLEMENT PROCEEDINGS**

**BARBARA MOSES, United States Magistrate Judge.**

For the reasons discussed during the November 17, 2021 settlement conference:

1. **No later than December 3, 2021**, plaintiff shall produce the "economic benefit" materials discussed during the conference, for settlement purposes only. Between now and December 3 the parties shall meet and confer in good faith to ensure that both sides understand what has been requested and what will be produced.

2. Promptly upon production of the economic benefit materials, the parties shall continue their settlement negotiations bilaterally and in good faith, including at least one "real time" settlement discussion (in person or by telephone or videoconference) of the outstanding issues, and each party shall convey to the opposing party at least one good-faith settlement demand or offer, in advance of the deadline, set forth below, for submitting a confidential settlement update letter to the Court. Prior negotiations and/or settlement proposals cannot be relied upon for the purpose of this Order.

3. No later than **December 17, 2021**, the parties shall submit a joint confidential settlement update letter by email, addressed to [Moses\\_NYSDChambers@nysd.uscourts.gov](mailto:Moses_NYSDChambers@nysd.uscourts.gov), and marked "Confidential Material for Use Only at Settlement Conference." **Do not file the confidential settlement letter on ECF.** In six pages or less, the letter should confirm that the parties complied with ¶¶ 1 and 2 above, update the Court as to each party's current settlement

position; advise the Court whether a further judicially supervised settlement conference would be productive; and, if so, provide proposed dates for that conference. The Court ordinarily conducts settlement conferences at 2:15 or 4:15 p.m. every weekday except Friday.

4. Nothing in this Order suspends or affects the parties' other litigation deadlines or obligations.

Dated: November 18, 2021  
New York, New York

**SO ORDERED.**



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**BARBARA MOSES**  
**UNITED STATES MAGISTRATE JUDGE**